

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

225 Cadman Plaza East, Brooklyn, NY 11201, Phone (718) 613-2665

**Complaint for a Civil Case**

Case No. 21-cv-4853

(to be filled in by the Clerk's Office)

Jury Trial:  Yes  No

(check one)

(Full name and address of Plaintiff)

Toni Marie Davis

123 West 29th street, Apt 10L

Baltimore, MD 21218

Matsumoto, J.

Bloom, M.J.



Plaintiff

Vs,

(Full name and address of Defendant)

1. Mayor Bill de Blasio

City Hall

New York, NY 10007

2. City of New York

City Hall

New York, NY 10007

Defendants

### Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

- Federal question  Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

#### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case:

14<sup>th</sup> Amendment, Conspiracy to interfere with civil rights, Conspiracy against rights, Invasion of Privacy, Harassment

## Count 1 Respondeat Superior and Violation of the United States Constitution

Under a legal doctrine sometimes referred to as "respondeat superior" (Latin for "Let the superior answer"), an employer is legally responsible for the actions of its employees. ... If the injury caused by the employee is simply one of the risks of the business, the employer will have to bear the responsibility.

### How do you prove respondeat superior?

Respondeat Superior applies in cases where the plaintiff proves three things:

The injury occurred while the defendant was working for the employer.

The defendant was acting within the scope of his or her employment.

1. Mayor Bill de Blasio in the employment of New York city has violently violated the 14<sup>th</sup> Amendment to the Constitution of the United States of America. He has exercised Nazi style Tyrannical rule over the city of New York including all 5 boroughs', which is in the state of New York, which is in the United States of America and so is under the full, total and absolute protection of the United States Constitution. The mayors order went into effect Aug. 17, with full enforcement beginning Sept. 13.

## tyr·an·ny

/'tirənē/

cruel and oppressive government or rule.

absolutism

absolute power

dictatorship

undemocratic rule

reign of terror

totalitarianism

Fascism

oppression

suppression

repression

subjugation

enslavement

authoritarianism

high-handedness

bullying

harshness

strictness

severity

cruelty

brutality

ruthlessness

injustice

unjustness

"All tyranny needs to gain a foothold is for people of good conscience to remain silent."

- Edmund Burke

## **14th Amendment**

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

## **Liberty**

Definition of liberty

1: the quality or state of being free:

a: the power to do as one pleases

b: freedom from physical restraint

c: freedom from arbitrary or despotic control

d: the power of choice

2. The United States Constitution was put into place for such a time as this. It is so that we the people will not be ruled and dictated to by our elected leaders, who are in fact and probably to their great surprise, our servant's.
3. **ELECTED LEADERS ARE THE SERVENTS OF THE PEOPLE NOT THE OTHER WAY AROUND**
  
4. This mayor is using Covid as an excuse to infringe on the liberties and sovereignty of the American people in an attempt to ultimately take control. Lockdowns, masks, and segregation are not about health—they are about profit and power. Any Governing body that uses bribery, coercion, propaganda, and censorship as tactics to force your hand, is not focused on public health. It is focused on profit and power. The city of New York has used all of these things.
5. NEW YORK IS THE WORLDS PLAYGROUND WHAT HAPPENS HERE AFFECTS EVERYONE EVERYWHERE. WE CAN NOT ALLOW THIS MAYOR TO VIOLATE THE CONSTITUTION AND LAWS OF THIS GREAT NATION. IF WE DO IT WILL SPEAD TO OTHER STATES IN THIS UNION.
6. The following is a list of some of the places that the mayor of New York has made it illegal for the unvaccinated to go, by the way legislature and/or congress makes new laws not Mayors:

The mayor mandated vaccinations for all of the city's new hires. Also, as of August 17<sup>th</sup> 2021 the following are off limits to the unvaccinated: movie theaters, live music, concert venues, museums and galleries, Aquariums and zoo's, professional sports arenas, stadiums, convention centers, exhibit halls, preforming arts theaters, bowling ally's, Arcades, pool and billiard halls, recreational game centers, casinos, Restaurants, Catering halls event spaces, hotel banquet rooms, bars, cabarets, night clubs. Cafeterias, grocery stores, coffee shops, fast food, quick service, Gyms, fitness centers, fitness classes, pools, indoor studios, dance studios, sports classes, this whole mandate is known as the Key to NYC Pass

7. Look at the above list of places the unvaccinated caught go. Look at the fact that you can't work and have a job unless you comply. This is JUST ONE MEASURSE AWAY FROM Forced vaccines. According to the Mayor we the unvaccinated can basically do nothing but stay in the house and you better not want to eat because the grocery store is off limits. And you better not try to work and earn a living either. THIS IS ABSURD AND ILLEGAL IN THE UNITED STATES OF AMERICA.
8. Everyone in America whether Vaccinated or not should be absolutely appalled and outraged at what this Mayor of New York has done in these great United States of America. He has basically said that he rules and we the people have to bow to his will even though he knew when he enacted these new rules, they violated the Constitution of the United States of America. What he has done is extremely dangerous to our Republic. It is a threat to the very fabric of this nation going back to our founding fathers. Please punish this Mayor and the city of New York for their crimes against this great nation. If

we do not stop this now it will lead to forced vaccination mandates, which will lead to civil war, I promise you. This is not a joke this is not an overreaction. That is what Canadian and Australians said when their government first suggested they get the vaccine. Then their government said if you don't get it, we will have pass ports, then the Australian government told their citizen's that they were mandating the vaccine and their law enforcement started physically forcing their citizens to get the vaccine

9. Australians gave up their guns we here in America did not and will not. Now in Canadian people who test positive are being taken to internment camps, without a trial, sound formular. Nazi Germany in the hear and now just wanting to happen in this country if we don't stop this tyranny now. All we have to have is for Dr. Fauci to say that it is a matter of public safety just like there saying in those other countries and America as we have known it is gone. IF WE DON'T STOP THEM NOW.
10. New York City is thought to be the first in the nation to implement such a mandate. President Joe Biden responded affirmatively when asked at a press conference if he believed other cities should follow suit, The presidents testing the waters to see how much of the law him and his friends in government can get away with breaking without being challenged. I saw the President on TV admit AND SAY "what is being done HE SAID is probably illegal but let's try it anyway. He actually said that on national TV.
11. If the Delta variant is so dangerous, why hasn't the Biden Administration closed the border?

Biden is restricting travel for Americans to go into Mexico but illegal, untested, unvaccinated aliens can walk right into our country and they are by the millions.

2.3 million illegal Aliens have come into the country since January. Not only have they not been quintined but Biden has bused, and flown them all over this country and they have been tested and proven to have Covid. No mask are worn by them. And now the Biden Administration has found billions of dollars of tax payer money to evacuate some 30,000 unvaccinated covid having Afghans into this country so I do not want to hear anything about a vaccine mandate for we the people who are actually here legally and born here.

Wherefore I Toni Marie Davis do respectfully ask for ruling in favor of The United States Constitution, Stopping and reversing all mandates, rules and orders. Plus stopping all forced testing, which intimidates and bullies people into getting the vaccine and please grant judgment to the Plaintiff Toni Marie Davis in the amount of Three billion dollars(\$3,000,000,000) in Punitive Damages with interest and cost.

## Count 2 Conspiracy to interfere with civil rights

(3) Depriving persons of rights or privileges

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, **any person or class of persons of the equal protection of the laws, or of equal privileges** and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving **or securing to all persons within such State or Territory the equal protection of the laws;** or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, **or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.**

12. What this mayor has done has deprived me of equal protection of the laws, and of equal privileges. What this mayor and his city has done is completely illegal, and an abuse of its power, it is also unconstitutional and just plain wrong.
13. The mayor and the city of New York has deprived me of having and exercising any right or privilege of a citizen of the United States

Wherefore I Toni Marie Davis do respectfully ask for ruling in favor of The United States Constitution, and all the great laws of this country. Stopping and reversing all mandates, rules and orders. Plus stopping all forced testing, which intimidates and bullies people into getting the vaccine and please grant judgment to the Plaintiff Toni Marie Davis in the amount of Three billion dollars(\$3,000,000,000) in Punitive Damages with interest and cost.

**Count 3 Conspiracy against rights**

18 U.S. Code § 241 - Conspiracy against rights

U.S. Code

Federal offence

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any

right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

### **Common Law Intent Requirement**

The Supreme Court held that a conviction under a related statute, 18 U.S.C. §242, required proof of the defendant's specific intent to deprive the victim of a constitutional right. [3] In United States v. Guest, the Supreme Court read this same requirement into §241, the conspiracy statute.[4]

14. We all know and understand that the intent of these vaccine restrictions is to make, oppress, threaten, and intimidate any person in the city of New York that is not vaccinated into getting vaccinated. And they are trying to control all of America because New York belongs to all of America and some would say the world. What goes on in New York effects every living soul in this country. This is the last step before forced vaccination, which means civil war.
15. The government of the city of New York has conspire to injure, oppress, threaten, and intimidate all unvaccinated persons in the city of New York including all 5 borough's and beyond. How many people that don't live in the city work there in some way shape or form. Whatever way you look at it this is affecting everyone in America.

Wherefore I Toni Marie Davis do respectfully ask for ruling in favor of The United States Constitution, and all the great laws of this country. Stopping and reversing all mandates, rules and orders. Plus stopping all forced testing, which intimidates and bullies people into getting the vaccine and please grant judgment to the Plaintiff Toni Marie Davis in the amount of Three billion dollars(\$3,000,000,000) in Punitive Damages with interest and cost.

## Count 4 Invasion of Privacy

This is an experimental treatment it is not FDA approved!

Currently, no coronavirus vaccine is approved by the FDA, but three were given emergency use authorization by the agency.

This Vaccine is experimental this is a vaccine that has and is causing blood clots, heart attacks, headache, fainting, dry mouth, and death. They, the drug companies have now even put warning labels on the vaccines admitting that they cause heart problems. Other experimental vaccines have caused sterilization of the women who took it, severe bleeding, or irreversible damage to the liver or kidneys.

NO ONE KNOWS WHAT THE OUTCOME WILL BE FOR THESE VACCINES THAT IS WHY IF YOU DO NOT WANT TO GET IT YOU SHOULD NOT BE FORCED TO. THIS MAYOR HAS OVER STEPPED HIS BOUNDS AND SHOULD NOT BE FORCING THE CITIZENS OF NEW YORK WORKERS TO GET THIS VACCINE AGAINST THERE WILL. IT IS ILLEGAL! AND I SHOULD NOT BE FORCED TO DISCLOSE WHETHER I HAVE GOTTEN MINE OR NOT!

An invasion of privacy occurs when there is an intrusion upon your reasonable expectation to be left alone. There are four main types of invasions of privacy claims.

The four main types of invasions of privacy claims are:

1.     Intrusion of Solitude
2.     Appropriation of Name or Likeness
3.     **Public Disclosure of Private Facts**
4.     False Light

For this case, we will focus on number three

### **3. Public Disclosure of Private Facts**

My vaccine status is private and that is a fact. This mayor does not have the right to request my personal medical information.

I do not want my personal vaccine statute told to everybody everywhere I go. And according to the Laws of the United States of America, I don't have to and I should still be able to go to where I chose.

Your honor this Mayor and the city has flat out trampled on the rights of every person in this city. They have abused their power to the utmost. These actions they have taken have been an abuse of power, un-American, and even communistic in nature. Not only do I think that they need to be stopped I think that they need to be punished severely for their offenses.

Wherefore I Toni Marie Davis do respectfully ask for ruling in favor of The United States Constitution, and all the great laws of this country. Stopping and reversing all mandates, rules and orders. Plus stopping all forced testing, which intimidates and bullies people into getting the vaccine and please grant judgment to the Plaintiff Toni Marie Davis in the amount of Three billion dollars(\$3,000,000,000) in Punitive Damages with interest and cost.

### **Count 5 Harassment**

The Webster Dictionary defines this offense as **to worry or impede by repeated raids. To Exhaust, Fatigue: To annoy persistently**

16. This mayor has definitely Harassed me and every other nonvaccinated human being in this nation. By making bullying, unjust, cruel mandates for anyone who wants to operates in even the most basic ways in the city of New York. I can't even go to Starbucks in New York City because the mayor has acted as an absolute power, a dictator and a tyrant instead of an appoint by the people mayor. Please end his and the cities reign of terror.

Wherefore I Toni Marie Davis do respectfully ask for ruling in favor of The United States Constitution, and all the great laws of this country. Stopping and reversing all mandates, rules and orders. Plus stopping all forced testing, which intimidates and bullies people into getting the vaccine and please grant judgment to the Plaintiff Toni Marie Davis in the amount of Three billion dollars(\$3,000,000,000) in Punitive Damages with interest and cost.

### Relief

I seek relief in the amount of Fifteen Billion dollars(15,000,000,000) in punitive damages for the horrific acts against the freedoms of the American people and the Will of God who said WHOM THE LORD SETS FREE IS FREE INDEED.

### Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically, so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

#### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/20/2021

Signature of Plaintiff



Printed Name of Plaintiff

Toni Marie Davis

**EXHIBIT**

**A**

**One more thing Your Honor please read this:**

Nuremberg codes stipulate that consent must be voluntary.

The Nuremberg Code is a set of research ethics principles for human experimentation created by the USA v Brandt court as one result of the Nuremberg trials at the end of the Second World War

Telling a child they cannot go to school, firing people from work, or preventing their travel is NOT voluntary consent.

Threatening someone's livelihood unless they take an experimental vaccine is NOT voluntary consent.

Because:

1/ In a free society, you must have bodily autonomy, to the limit of not intentionally harming others

2/ No medical procedure should be mandatory in a civilized society, especially one with a known risk of disability or death

**Also, Your Honor:**

Please take note of the fact that the following are trying to force you to take the vaccine by mandate but they do not have any mandates in place for themselves:

1. The White House

2. The CDC

3. The FDA

4. Moderna

5. Pfizer

6. The WHO

7. Johnson & Johnson

**Rules for we but not for thee!**

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

Toni Marie Davis

## Certificate of Service

I HEREBY CERTIFY, that on this Aug 20 2021, a copy of this Complaint was mailed via First Class Postage to all parties

### Defendants

**1. Mayor Bill de Blasio**

City Hall

New York, NY 10007

**2. City of New York**

City Hall

New York, NY 10007



Toni Marie Davis  
Toni Marie Davis  
PLAINTIFF

123 West 29th street, Apt 10L

Baltimore, MD 21218

Plaintiff

Vs,

1. Mayor Bill de Blasio

City Hall

New York, NY 10007

2. City of New York

City Hall

New York, NY 10007

Defendants

**Order**

Upon consideration of Toni Marie Davis's Lawsuit, the court rules in favor of the Plaintiff on ALL Counts,

And orders Mayor Bill de Blasio and the state of New York to pay Toni Marie Davis all punitive damages

And/also the court orders the Mayor Bill de Blasio and the state of New York to stop mandatory covid vaccine requirements and mandates imposed on the city including all 5 boroughs and to stop mandatory testing IMMEDIATELY

X

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The Honorable Judge

**lego**

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 23 2021 ★

BROOKLYN OFFICE



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BROOKLYN NY 11201

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